



National Investigation Body (NIB) Network

Annual Report for 2021
and
Common Peer Review Programme
Version 1.0

DOCUMENT CHANGE RECORD

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1 BACKGROUND

This Annual Report and Common Review Programme is published by the National Investigation Bodies (NIB) to meet the requirements of Article 22.7 of the European Directive on Rail Safety dated 11 May 2016 (EU 2016/798). The Article states:

The investigating bodies, with the support of the Agency in accordance with Article 38(2) of Regulation (EU) 2016/796, shall establish a programme of peer reviews where all investigating bodies are encouraged to participate so as to monitor their effectiveness and independence.

The investigating bodies, with the support of the secretariat referred to in Article 38(2) of Regulation (EU) 2016/796, shall publish:

(a) the common peer-review programme and the review criteria; and

(b) an annual report on the programme, highlighting identified strengths and suggestions for improvements.

The peer review reports shall be provided to all investigating bodies and to the Agency. Those reports shall be published on a voluntary basis.

The peer review seeks to monitor the effectiveness and independence of a NIB by considering its organization, processes and outputs (eg accident reports, safety recommendations, annual reports). The peer review process also seeks to assist development of all NIBs by sharing with them strengths and suggestions for improvements identified during reviews.

The NIBs have appointed a Peer Review Task Force to manage and undertake the reviews. This Task Force comprises representatives from a range of NIBs. The peer review of each state is undertaken by a Panel selected from the Task Force. The output of each review is based on information provided by the NIB being reviewed. This information is provided in a questionnaire and during a visit to the reviewed NIB by the Panel. Details of the questionnaire and the review criteria are given in the NIB Peer Review Handbook for the year in which the review was carried out. This can be found at the [NIB Network webpage](#).

The peer review relies on answers given by the NIB in the questionnaire and during the site visit. The peer review process is not intended to fully investigate all issues covered by the questionnaire and does not address all issues in the documents used as review criteria. It is targeted at issues where the reviewers believe there will be greatest value to the NIB being reviewed and to other NIBs. Peer review is a cooperative process involving trust between the parties. Peer reviewers will seek justifications for statements made but, unlike an auditor, will not seek evidence to check the truth of statements.

The relevant Peer Review Panel has prepared a peer review report for each reviewed NIB. The Directive states that these are published on a voluntary basis and this is done by the reviewed NIB if it wishes to do so. Other NIBs and the Agency are not permitted to provide copies of the reports relating to individual NIBs. Any requests for a copy of a peer review report should therefore be addressed to the NIB which was reviewed.

This 2021 peer review annual report covers peer reviews undertaken in 2021 and is the third to be submitted to the Agency by the NIB Network.

2 NIB AND STATE DETAILS

NIBs reviewed				
State	NIB Name	NIB Type	Date of visit by Peer Review Panel	Number of rail mode investigators (full time equivalent)
Croatia	Agencija za istraživanje nesreća u zračnom, pomorskom i željezničkom prometu (AIN)	Multi-modal (air,rail, marine)	November 3 rd	2
Sweden	Statens haverikommission	Multi-modal (air, rail, marine, road, military other)	October 20 th	2

Due to the Covid-19 pandemic status and the health authorities' recommendations, travel restrictions etc., the peer reviews of the Swedish and Croatian NIBs took place in the autumn of 2021.

The planned peer review of the Hungarian NIB had, due to Covid restrictions, to be postponed to 2022. The Hungarian NIB answered the peer review questionnaire timely according to the plan. The questionnaire was analysed by the peer review team and questions had been prepared for the on-site visit.

The Task Force would like to thank all the reviewed NIBs for their openness, for their courtesy and for the valuable feedback they have provided to help improve the peer review process.

Statistics for railways in reviewed states			
State	Route length (kilometres)	Passenger train-kilometres/year	Freight train-kilometres/year
Croatia	2 600	13 million	7 million
Sweden	14 400 (2019)	127 million (2019)	37 million (2019)
NOTE: Data rounded and refers to the year before the peer review was undertaken, except when otherwise indicated.			

Types of investigation undertaken by reviewed NIBs									
State	Heavy rail			Metro railways*		Trams*		Other (trolley bus, cable car, etc)*	
	Investigations required by Directive 2016/798 Article 20(1))	National law requirement outside Article 20(1)*	Discretion to investigate other events*	National law requirement	Discretion to investigate other events	National law requirement	Discretion to investigate other events	National law requirement	Discretion to investigate other events
Croatia	Yes	Yes	Yes	No	No	No	No	No	No
Sweden	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

* Directive EU 2016/798 allows, but does not require, a NIB to investigate these accidents and events.

3 PARTICPATING ORGANISATIONS

The following NIBs contributed investigators to the Peer Review Panel members during the period covered by this report. All these investigators were a panel member in at least one State peer review or one planned review.

- Norway
- Poland
- Hungary
- Sweden
- Finland
- Ireland
- Portugal

People from the following organisations attended a peer review as an observer. Observers are required to treat information obtained during peer reviews as confidential and must not share this information with their employers.

- Belgium
- The Agency

4 INTRODUCTION TO PEER REVIEW FINDINGS

- 4.1 This report gives an overview of findings from the individual state peer reviews in the year 2021 covered by this report. It concentrates on issues most likely to influence the effectiveness and independence of NIBs and does not cover every finding of the individual state reviews.
- 4.2 Directive 2016/798 requires that the peer review process considers effectiveness and independence, and that the annual report identifies strengths and suggestions for improvements. The table below links comments on effectiveness and independence with related strengths and suggestions for improvements.
- 4.3 The strengths and suggestions for improvements identified during the peer review process do not apply to all reviewed states.

5 PEER REVIEW FINDINGS

5.1 Effectiveness of investigation activities and developing recommendations		
Topic/comment	Strengths associated with comment	Suggestions for improvement associated with comment
<p>Both NIBs considered in this report appear to be generally carrying out investigations and making recommendations effectively. However, some improvement in effectiveness is possible.</p> <p>Evidence supporting the overall finding that most NIBs were effective included the strengths tabulated in the adjacent column.</p> <p>Greater effectiveness could be achieved by</p> <ul style="list-style-type: none"> ensuring that the NIB has sufficient resource available to meet the requirements of the Directive and any additional requirements of national law; and greater coverage of some factors affecting accidents. 	<ol style="list-style-type: none"> i. Robust processes for timely notification of accidents. ii. Rapid attendance at accident sites by deploying investigators office when needed. iii. Rapid access to railway industry data iv. Appropriate documentation compatible with ISO9000 quality system. v. Structured approaches to investigating accidents. Both NIBs are using an Accident Investigation Manual that provides a very good support for all investigators and guidelines on how to carry out investigations. vi. Findings and recommendations being well supported by evidence. vii. Translation into English of at least parts of reports to assist both accident investigation and safety improvements in other countries. 	<p>Ensuring that the NIB has sufficient resources and that these resources are directed at events where valuable safety learning is likely to be found can include:</p> <ol style="list-style-type: none"> a. reducing the number of relatively minor events (ie events outside requirements of the Directive) which a NIB is required to investigate; b. increasing resources to ensure effective management of a major accident; and c. travel to accident sites and evidence before deciding whether to investigate an event. <p>For one of the NIBs the panel suggested that the notification process should be assessed in order to avoid delays and possible lack of notifications. The assessment of the notification process should consider that the notifications are currently provided only by the NSA.</p> <p>One NIB should consider the need for investigators to go to the accident site more often in order to maintain their competence and ensure that all facts are collected.</p>

5.1 Effectiveness of investigation activities and developing recommendations (continued)		
<i>Topic/comment</i>	<i>Strengths associated with comment</i>	<i>Suggestions for improvement associated with comment</i>
	<ul style="list-style-type: none"> viii. Good cooperation with the media. ix. Good cooperation with rail industry. x. Active participation in the NIB Network in order to exchange safety learning with other NIBs. 	<p>Ensuring coverage of all factors relevant to an accident can include giving greater consideration to:</p> <ul style="list-style-type: none"> a. human factors; and b. underlying factors including safety management systems and the role of the national safety authority.

5.2 Effectiveness of recommendation implementation		
<i>Topic/comment</i>	<i>Strengths associated with comment</i>	<i>Suggestions for improvement associated with comment</i>
<p>A NIB cannot be considered fully effective if its recommendations are not being properly considered and implemented in a timely manner when appropriate. There is evidence suggesting that this does not always happen.</p> <p>Both NIBs reported that the NSA reported back on measures that are taken or planned as a consequence of a given recommendation</p> <p>One NIB reported that the proportion of not implemented safety recommendations addressed to local authorities is high.</p> <p>One NIB sometimes addresses recommendations primarily to the party that have the mandate and possibility to implement the recommendation (which could e.g. be IM and RU) without a note for the NSA.</p>	<p>The cooperation seems to be working good between the NIB and NSA.</p>	<p>If NIBs are not receiving meaningful and timely feedback on actions taken in response to their recommendations, appropriate state organisations should take the action needed to ensure that this happens.</p> <p>If recommendations are not being implemented in a timely manner when appropriate, the state organisations responsible for ensuring proper implementation should take the action needed to achieve implementation.</p> <p>The process for addressing safety recommendations primarily to the party that have the mandate and possibility to address the recommendation (which could e.g. be IM and RU) without a note for the NSA should be assessed. If a recommendation is not addressed to the NSA, it can affect the role of the NSA to apply safety learning more widely.</p>

5.3 Independence		
<i>Topic/comment</i>	<i>Strengths associated with comment</i>	<i>Suggestions for improvement associated with comment</i>
Both NIBs indicated that they were independent in its organisation, legal structure and decision-making from any infrastructure manager, railway undertaking, charging body, allocation body and conformity assessment body and from any party whose interests could conflict with the tasks entrusted to the investigating body.	<ul style="list-style-type: none"> i. Laws making provision for independence. ii. Working relationships with other parties which take account of NIB independence. 	None.

6 PEER REVIEW COSTS

The NIBs have funded all NIB staff costs and all expenses such as travel and accommodation for panel members when attending the on site phase of the 2021 reviews.

The peer review process was started when the NIB Network understood that the Agency would meet the travel and accommodation costs of peer review panel members. The Agency did not do this during the period from 2019 to 2021. A significant number of NIBs have stated that they will not contribute panel members if these costs are not reimbursed. The peer review process will not be fully effective without participation by most (preferably all) NIBs and will not be fully effective if some types of NIBs (eg small NIBs) are not represented on peer review panels. If the peer review process is not fully effective, opportunities to improve railway safety by improving accident investigation will be lost.

Directive 2016/798 states that participation in the peer review programme is voluntary so there is no direct requirement for national governments to meet panel members' costs. Article 35 of the Regulation 2016/796 indicates that the Agency expects to receive information from an effective peer review programme.

7 AREAS OF ONGOING CONCERN

The Agency has in the budget for 2022 allocated funds for reimbursing peer review activities which will hopefully lead to more NIBs participating as Panel members.

The NIB Network is willing to work with the Agency to look for an ongoing funding of the peer review. If the peer review process doesn't have a continuous financing plan it can affect the peer review process which could lead to that the peer review process may not fully achieve the railway safety improvements available from a fully effective review process.

8 COMMON PEER REVIEW PROGRAMME

The programme below is published to comply with Paragraph 22(7)(a) of the Directive (EU) 2016/798.

Year	NIBs	Status
2018	Romania, Czech Republic and Denmark	Completed
2019	Norway and Lithuania	Completed
2020	Sweden, Hungary and Croatia	Postponed until 2021 due to the pandemic situation
2021	Sweden and Croatia	Completed (Hungary postponed until 2022)
2022	Germany, Ireland, Hungary	Planned
2023	Belgium, Spain, Finland. Portugal	Programme under review (Portugal moved from 2022 to 2023).
2024	TBA.	